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FM AMEMBASSY NAIROBI

TO RUEHC/SECSTATE WASHDC IMMEDIATE 7622
INFO RUCNSOM/SOMALIA COLLECTIVE IMMEDIATE
RUEHLO/AMEMBASSY LONDON IMMEDIATE 2966
RUEHRH/AMEMBASSY RIYADH IMMEDIATE 0426
RUEHYN/AMEMBASSY SANAA IMMEDIATE 0489
RUEHKO/AMEMBASSY TOKYO IMMEDIATE 0735
RUEPVAA/COMJSOC FT BRAGG NC IMMEDIATE
RUEKDIA/DIA WASHDC IMMEDIATE
RUEAIIA/CIA WASHDC IMMEDIATE
RHMFIISS/CDR USCENTCOM MACDILL AFB FL IMMEDIATE
RHMFIISS/CJTF HOA IMMEDIATE
RHEHNSC/NSC WASHDC IMMEDIATE
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SIPDIS

STATE FOR AF/E AND A/S FRAZER
STATE ALSO FOR AF/RSA

E.O. 12958: DECL: 11/18/2018

TAGS: EWWT PREL PINS PGOV SO

SUBJECT: SOMALIA - SUPERTANKER HIJACKED; BRITS TURN 8
PIRATES OVER FOR PROSECUTION

REF: A. NAIROBI 2277

1B. NAIROBI 2290

Classified By: Somalia Unit Counselor Bob Patterson. Reasons 1.4 (b) and (d).

11. (S) Summary: On November 15, Somali pirates hijacked their largest ship yet, the crude oil supertanker Sirius Star, and have anchored it off Hobyo, Somalia, a known Indian Ocean pirate base. So far this year, Somalia pirates have captured and ransomed 38 ships. Separately, on November 18 the UK handed over to Kenya eight suspected pirates captured in the Gulf of Aden on November 11. Sources at the Kenyan public prosecutor's office tell us Kenya will prosecute the pirates, as it did other pirates successfully in 2006. Embassy Nairobi's Resident Legal Attache and Scotland Yard will advise the Kenyans on the case. End Summary.

Somalis Hijack Tanker

12. (S) On November 15, Somali pirates hijacked the Saudi crude oil supertanker Sirius Star about 450 miles off the coast of Kenya. None of the tanker's 25 multinational crew (including two British subjects) were injured in the attack. The tanker is now at anchor off the Somali coastal town of Hobyo, suggesting it was captured by the same pirate network that took the Ukrainian weapons ship M/V Faina (reftels), which is also anchored off Hobyo. According to media reports, the Sirius Star weighs more than 300,000 tons and is over 1,000 feet long -- the largest ship ever captured by Somali pirates. With its cargo reportedly worth \$100 million, the pirates' initial ransom request for it will likely be high. The Sirius Star joins the Motor Vessels (M/Vs) Tian Yu (Chinese flagged) and Chemstar Venus (Japanese flagged) as the Somali pirates' most recent captures, bringing the yearly total pirated vessels off the Horn of Africa to 38.

Kenya to Prosecute Pirates

13. (S) Separately, on November 18 the United Kingdom handed over eight captured Somali pirates to Kenya at the port of Mombasa. Royal Marines from the HMS Cumberland arrested the pirates on November 11 in the Gulf of Aden after stopping a

Yemeni dhow observed menacing the Danish M/V Powerful. Somali pirates who had earlier boarded the dhow and the British reportedly traded fire, killing two Somalis and fatally wounding a member of the Yemeni crew, which was still on board. The UK also reportedly turned over to the Kenyans the bodies of the two Somalis killed. The UK Minister for Armed Forces Robert Ainsworth, coincidentally in Kenya on November 18, announced the handover.

¶4. (S) As it did in March 2006 when the United States Navy handed over 10 captured Somali pirates, the Government of Kenya has agreed to charge and prosecute these eight pirates under Kenya's penal code dealing with piracy. In October 2006, the Somali pirates' lawyer argued that Kenya had no jurisdiction since the pirates were captured in international waters and neither the piracy perpetrators nor victims were Kenyans. However, the prosecutor successfully argued her jurisdiction based on Kenya's penal code and the UN Convention on the Law of the Sea. The Kenyans sentenced the pirates to seven years in prison. They remain in jail while an appeal is working its way through the courts.

¶5. (S) As evidence against the pirates, the British have turned over recorded statements from the now released Yemeni dhow's crew and Royal Marines, photographs, the pirates' skiff, and captured weapons. Embassy Nairobi's Resident Legal Advisor, in coordination with a representative of Scotland Yard, is advising and assisting the Kenyan Director of Public Prosecutions on the case.

RANNEBERGER